



# SECURITIES AND AGREEMENTS SUBMITTAL CHECKLIST E-17

Development Services

Engineering Department

1635 Faraday Avenue

760-602-2750

www.carlsbadca.gov

THIS SECTION TO BE COMPLETED BY CITY PERSONNEL

CITY PROJECT NO. \_\_\_\_\_ CITY PROJECT NAME \_\_\_\_\_

CITY DRAWING NO. \_\_\_\_\_ CITY PROJECT PLANCHECKER \_\_\_\_\_

**PLEASE NOTE:**

- ***THIS CHECKLIST SHOULD BE REVIEWED PRIOR TO EXECUTION OF DOCUMENTS TO ENSURE THE TIMELY PROCESSING OF SECURITIES AND AGREEMENTS FOR DEVELOPMENT PROJECTS IN THE CITY. THOSE SUBMITTING SECURITIES AND AGREEMENTS TO THE CITY OF CARLSBAD SHOULD CHECK THEIR DOCUMENT PACKAGES FOR COMPLETENESS AND COMPLIANCE TO THE FOLLOWING CHECKLIST BEFORE SUBMITTAL TO THE CITY. THE APPLICANT'S INITIALS ON ALL BLANK SPACES BEFORE EACH ITEM IS REQUIRED BEFORE ACCEPTANCE OF THE DOCUMENTS AT THE ENGINEERING COUNTER.***
- ***REVISIONS TO SOME AGREEMENTS AND SECURITY FORMS MAY OCCUR. IT MAY BE NECESSARY FOR NEW AGREEMENTS OR SECURITY FORMS TO BE USED INSTEAD OF THE AGREEMENTS OR SECURITY FORMS INCLUDED IN THIS PACKAGE. IN ADDITION, DOCUMENTS HELD BY THE DEVELOPER FOR EXTENDED PERIODS OF TIME MAY BE SUBJECT TO UPDATING BY THE CITY DUE TO CHANGES IN UNIT PRICES OR PLANS. PROMPTNESS OF EXECUTION AND RETURN OF THE DOCUMENTS TO THE CITY IS HIGHLY ADVISABLE.***
- ***IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE ASSOCIATE ANALYST, ENGINEERING DEVELOPMENT SERVICES AT 760-602-2779.***

**I. GENERAL**

- \_\_\_\_\_ (A) USE ORIGINAL DOCUMENT PREPARED BY CITY. REPRODUCTIONS OF THESE DOCUMENTS FOR ORIGINAL USE IS NOT ACCEPTABLE.
- \_\_\_\_\_ (B) ATTACHMENTS TO AGREEMENTS I.E. EXHIBITS "A" ETC. MUST BE IN PLACE.
- \_\_\_\_\_ (C) OTHER \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**2. SIGNATURES**

- \_\_\_\_\_ (A) IF SIGNING FOR A CORPORATION, A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE PERSON TO EXECUTE DOCUMENTS FOR THE ENTITY IS NECESSARY UNLESS THE CHAIRMAN OF THE BOARD, PRESIDENT OR ANY VICE PRESIDENT AND THE SECRETARY, ANY ASSISTANT SECRETARY, THE CHIEF FINANCIAL OFFICER, OR ANY ASSISTANT TREASURER SIGN (CIVIL CODE: SECTION 1190 AND 1190.1).
- \_\_\_\_\_ (B) WHEN EXECUTING AGREEMENTS AND FORMS, THE PERSON SIGNING THE DOCUMENT MUST INDICATE WHAT ENTITY THEY ARE SIGNING FOR AND IN WHAT CAPACITY THEY ARE SIGNING. EXAMPLE: MARY DOE, PRESIDENT OF GREEN ACRES CORPORATION AND JOHN SMITH, SECRETARY OF GREEN ACRES CORPORATION, AS GENERAL PARTNER FOR SUNSHINE LIMITED PARTNERSHIP.
- \_\_\_\_\_ (C) SIGNATURES OF THOSE EXECUTING DOCUMENTS MUST BE CONSISTENT THROUGHOUT THE DOCUMENT.
- \_\_\_\_\_ (D) SIGNATURES SHOULD BE ORIGINAL AND PREFERABLY IN PERMANENT BLACK INK.



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- \_\_\_\_ (E) SIGNATURES SHOULD BE THE SAME AS THE NAME PRINTED OR TYPED INCLUDING THE INCLUSION OR DELETION OF MIDDLE INITIAL OR MIDDLE NAME. (USE FULL FIRST AND LAST NAME)
- \_\_\_\_ (F) OTHER \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### 3. NOTARY CERTIFICATES

- \_\_\_\_ (A) DATE OF NOTARIZATION MUST EITHER BE THE SAME AS THE EXECUTION DATE OR SOME DATE AFTER THE EXECUTION DATE. (NOTARIZATION OF AN AGREEMENT EXECUTION IS NOT POSSIBLE PRIOR TO THE AGREEMENT BEING SIGNED.)
- \_\_\_\_ (B) CERTIFICATE MUST BE ON AN ALL-PURPOSE ACKNOWLEDGEMENT (CIVIL CODE 1188).
- \_\_\_\_ (C) NOTARY TO CHECK BOX "PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE".
- \_\_\_\_ (D) NOTARY STAMP, PREFERABLY IN BLACK INK, TO BE LEGIBLE AND BE IN A CLEAR AREA NOT IN CONFLICT WITH OTHER WORDINGS IN CERTIFICATE OR DOCUMENT.
- \_\_\_\_ (E) NOTARY COMMISSION TO BE CURRENT AND NOT EXPIRED.

### 4. DOCUMENT FORMAT

- \_\_\_\_ (A) NO CHANGES TO ORIGINAL DOCUMENTS PREPARED BY CITY.
- \_\_\_\_ (B) FORMAT USED IN DOCUMENT MUST BE THE MOST RECENT REVISION APPROVED BY THE CITY ATTORNEY.
- \_\_\_\_ (C) OTHER \_\_\_\_\_
- \_\_\_\_\_

### 5. BONDS

INSURANCE OR SURETY COMPANIES SECURING OR INSURING ANY OBLIGATION OR RISK OF WHICH THE CITY IS A BENEFICIARY OR AN ADDITIONAL INSURED SHALL MEET THE FOLLOWING MINIMUM STANDARDS:

- \_\_\_\_ (A) AUTHORIZATION TO CONDUCT THE BUSINESS OF INSURANCE, OF A TYPE REQUIRED BY THE TRANSACTION, IN THE STATE OF CALIFORNIA AS EVIDENCED BY A LISTING DONE BY THE STATE INSURANCE COMMISSIONER. FOR LIABILITY INSURANCE, THE CITY MAY ACCEPT A SURPLUS LINE CARRIER PROVIDED THE CITY IS FURNISHED WITH A COPY OF A SURPLUS LINE CARRIER AFFIDAVIT.
- \_\_\_\_ (B) A RATING IN THE LATEST AVAILABLE "BEST'S KEY RATING GUIDE" OF "A" OR BETTER AND A FINANCIAL SIZE OF \$10 MILLION (CURRENTLY CLASS V) OR BETTER. IF A COMPANY IS NOT RATED BY BEST'S OR DOES NOT POSSESS SUFFICIENT YEARS OF EXPERIENCE TO BE RATED, THE CITY ATTORNEY AND CITY MANAGER MAY APPROVE SUCH COMPANY IF IT PRODUCES SUFFICIENT EVIDENCE THAT ITS FINANCIAL RESPONSIBILITY AND PERFORMANCE CAPABILITY IS EQUAL TO OR BETTER THAN THE BEST'S RATING REQUIREMENT.
- \_\_\_\_ (C) NO BLANKS LEFT UNCOMPLETED I.E., BOND NUMBER, SURETY COMPANY, SURETY COMPANY ADDRESS. THE "DATE OF AGREEMENT" HOWEVER SHOULD BE LEFT BLANK.
- \_\_\_\_ (D) PROPER SIGNATURES, NOTARY CERTIFICATES, AND DOCUMENT FORMAT PER SECTIONS 2, 3 AND 4 ABOVE.
- \_\_\_\_ (E) NO "DATE OF EXPIRATION" OR "PREMIUM PERIOD" TO BE SHOWN ON THE BOND. CITY REQUIRES SECURITIES TO BE RENEWABLE AUTOMATICALLY.



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- \_\_\_\_ (F) BOND SHOULD BE ACCOMPANIED BY FULLY SIGNED AND NOTARIZED AGREEMENT I.E. "GRADING AND EROSION CONTROL AGREEMENT" FOR GRADING AND "SUBDIVISION AGREEMENT" OR "DEVELOPMENT AGREEMENT" FOR PUBLIC IMPROVEMENTS.
- \_\_\_\_ (G) CORPORATE RESOLUTION SHOWING CURRENT POWER OF ATTORNEY WITH CORPORATE SEAL ATTACHED. (ONE ORIGINAL MUST ACCOMPANY EACH SUBMITTAL.)
- \_\_\_\_ (H) OTHER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 6. LETTER OF CREDIT (LOC)

- \_\_\_\_ (A) FOLLOWS CITY'S BOILERPLATE WORDING AND FORMAT WORD FOR WORD ON BANK'S LETTERHEAD.
- \_\_\_\_ (B) SUBMIT THE MOST RECENT BANK QUARTERLY REPORTS AND ONE (1) MOST RECENT BANK ANNUAL REPORT. COMMERCIAL BANKS, SAVINGS BANKS, AND SAVINGS AND LOAN ASSOCIATIONS MUST MAINTAIN A MINIMUM NET WORTH TOTAL ASSET RATIO OF 3% (TOTAL REGULATORY NET WORTH DIVIDED BY TOTAL ASSETS), AND MUST HAVE HAD A POSITIVE NET EARNINGS FOR THE LAST REPORTING PERIOD.
- \_\_\_\_ (C) SIGNATURES OF AUTHORIZED BANK AGENTS SHOULD HAVE THE PRINTED NAMES UNDER THE SIGNATURES AND MUST COMPLY WITH THE SIGNATURE REQUIREMENTS LISTED ABOVE ON ITEM NUMBER 2.
- \_\_\_\_ (D) AN "APPROVED AS TO FORM:  
RONALD R. BALL, CITY ATTORNEY  
BY \_\_\_\_\_,  
DEPUTY CITY ATTORNEY"  
*MUST BE TYPED AND INCORPORATED ON THE DOCUMENT.*
- \_\_\_\_ (E) AN "INSTITUTION APPROVED:  
BY: \_\_\_\_\_  
LISA IRVINE, FINANCE DIRECTOR"  
*MUST BE TYPED AND INCORPORATED ON THE DOCUMENT.*
- \_\_\_\_ (F) NO "DATE OF EXPIRATION" OR "PREMIUM PERIOD" TO BE SHOWN ON THE LOC. CITY REQUIRES SECURITIES TO BE RENEWABLE AUTOMATICALLY.
- \_\_\_\_ (G) LOC SHOULD BE ACCOMPANIED BY FULLY SIGNED AND NOTARIZED AGREEMENT I.E. "GRADING AND EROSION CONTROL AGREEMENT" FOR GRADING AND "SUBDIVISION AGREEMENT" OR "DEVELOPMENT AGREEMENT" FOR PUBLIC IMPROVEMENTS.
- \_\_\_\_ (H) OTHER \_\_\_\_\_

## 7. AGREEMENTS

- \_\_\_\_ (A) ALL BLANK LINES SHOULD BE COMPLETED (PREFERABLY TYPED) WITH THE EXCEPTION OF THE "DATE OF AGREEMENT" LINE ON THE FIRST PAGE OF THE AGREEMENT. THE "DATE OF AGREEMENT" WILL BE COMPLETED BY THE CITY ENGINEER **NOT** THE OWNER/APPLICANT.
- \_\_\_\_ (B) PROPER SIGNATURES, NOTARY CERTIFICATES AND DOCUMENT FORMAT PER SECTION 2, 3 AND 4 ABOVE.
- \_\_\_\_ (C) OTHER \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_